



# GEORGE AFB CALIFORNIA

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## ADMINISTRATIVE RECORD COVER SHEET

AR File Number 2311



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

September 5, 2008

Donald Gronstal  
 Regional Environmental Coordinator  
 AFRPA Western Region Execution Center  
 3411 Olson Street  
 McClellan, CA 95652-1003

Re: Concurrence on Draft Final "Finding of Suitability to Transfer" (FOST), Subparcels C-17, C-21, Portions of C-9, C-13, D-13, D-14 and Eastern Portion of C-20, Former George AFB

Dear Mr. Gronstal:

The U.S. Environmental Protection Agency (EPA), Region IX has received the above-referenced FOST from the U.S. Air Force (AF) dated August 2008. The FOST addresses the property at the former George Air Force Base identified as subparcels Subparcels C-17, C-21, Portions of C-9, C-13, D-13, D-14 and Eastern Portion of C-20. These parcels, herein after referred to as "the Property," are proposed for transfer to Southern California Logistics Airport Authority.

Pursuant to this FOST, the AF is proposing to enter into deeds for transfer under Section 120(h)(3) of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9620(h)(3). When entering into a deed for transfer under Section 120(h)(3), the AF is required to include in such deed a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of the transfer, and that any additional remedial action found to be necessary after the date of transfer shall be conducted by the United States.

EPA has reviewed the subject Final FOST and the accompanying Supplemental Environmental Baseline Survey (SEBS). Without independent investigation or verification of certain information contained in the documentation, EPA concurs with the ECC-3 designation and the determination that the referenced parcels are suitable for transfer for purposes of CERCLA, given the environmental restrictions identified.

EPA, however, is very concerned about the potential threat to human health and the environment posed by the extensive petroleum contamination of the groundwater under the Property. EPA therefore considers as a vital condition of the Property's transfer the environmental restrictions

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which the Air Force commits to incorporating into the deed in Sections 5.2 and 5.4 of the FOST, in particular the restriction on groundwater pumping and the requirement to address the potential for vapor intrusion. Given the importance of these land use restrictions, EPA requests that the Air Force provide EPA with a courtesy copy of the deed for review 20 days prior to the date of the Property's transfer to ensure that the restrictions are included. EPA also is very concerned about the Lahontan Regional Water Board's expressed intent to address land use restrictions through a cleanup and abatement order (CAO) rather than through use restrictions incorporated into a State Land Use Covenant (SLUC). Not only is the incorporation of "SLUC-like" requirements into a CAO apparently untested (reference 8/19/2008 e-mail from RWQCB/Jehiel Cass to EPA/James Chang), but a CAO does not provide long-term protection because it does not bind subsequent property owners unlike SLUC land use restrictions which run with the land.

The concurrence shall not be construed in any manner inconsistent with any obligation, right or authority existing under the George Federal Facilities Agreement entered into by EPA, the State of California, and the AF. The review of the documentation was completed pursuant to Section 120(h)(3) of CERCLA, and the sole purpose of this letter is to satisfy the requirements of these provisions. The undersigned expressly reserves all rights and authorities relating to information not contained in this FOST and accompanying documentation, whether such information is known as of this date or is discovered in the future.

We appreciate the opportunity to review the FOST and the AF's cooperative efforts in transferring approximately 65 acres for reuse. If you have any questions regarding this letter, please contact James Chang at (415) 972-3193.

Sincerely,



Michael Montgomery, Chief  
Federal Facilities and Site Cleanup Branch

*acting  
for*

cc: Jehiel Cass  
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